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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,226	11/19/2003	Martin Boliek	74451.P087CD	9059

7590 02/07/2005

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EXAMINER

COUSO, JOSE L

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,226

Applicant(s)

BOLIEK ET AL.

Examiner

Jose L. Couso

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-86 is/are pending in the application.
- 4a) Of the above claim(s) 33-86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-27, drawn to a method of performing reconstruction, classified in class 382, subclass 232.
 - II. Claims 28-32, drawn to a method for processing encoded data by using an importance level indication, classified in class 348, subclass 408.1.
 - III. Claims 33-45, drawn to a method of processing data by injecting noise into the image reconstruction, classified in class 375, subclass 240.27.
 - IV. Claims 46-54, drawn to a method of processing tiles of encoded data, classified in class 348, subclass 403.1.
 - V. Claims 55-61, drawn to a method of decoding data, classified in class 382, subclass 233.
 - VI. Claims 62-69, drawn to a method of reconstruction by using step edges, classified in class 375, subclass 240.25.
 - VII. Claims 70-75, drawn to a method of performing reconstruction by clipping values, classified in class 375, subclass 240.18.
 - VIII. Claims, 76-78 drawn to a method of modeling binary data, classified in class 382, subclass 237.
 - IX. Claims 79-86, drawn to a method of processing data by using context models, classified in class 375, subclass 240.19.

Art Unit: 2621

2. The inventions are distinct, each from the other because of the following reasons:

Inventions in Group I and Group II-IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the inventions in Groups I-IX have separate utility such as a compression device and a decompression device using various techniques. See MPEP 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Mr. Michael J. Mallie on January 24, 2005 a provisional election was made without traverse to prosecute the invention of Group II, claims 28-32. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-27 and 29-86 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Office Action

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Eschbach (U.S. Patent No. 5,321,522).

In regard to claim 28, Eschbach describes receiving an indication of the amount of data used to encode importance levels over n tiles in the encoded data (refer for example to column 5, lines 33-35, which discusses that an amount of bit data is received and counted indicating the amount of data used to encode); determining a predetermined amount of the encoded data to decode (refer for example to column 5, lines 38-46, which discusses that a number of bits allowed for the compression ratio is determined, this reference value corresponds to applicant's predetermined amount); and decoding only the predetermined amount of the encoded data so that decoded data is obtained with the same fidelity over each tile (refer for example to column 3, lines 54-64).

As to claim 29, Eschbach describes wherein the decoding only the portion of the encoded data comprises decoding the encoded data starting with highest importance level and continuing in succession to lower importance levels until a predetermined amount of the encoded data has been decoded (refer for example to column 2, line 55

Art Unit: 2621

through column 3, line 42 and column 7, lines 5-12, which discusses that the magnitudes of the entries reflect the relative importance of the frequency component in the image and the order of encoding takes this into account, this corresponds to applicant's decoding data starting with highest importance level and continuing in succession to lower importance levels).

With regard to claim 30, Eschbach describes means for receiving an indication of the amount of data used to encode importance levels over n tiles in the encoded data (refer for example to column 5, lines 33-35, which discusses that an amount of bit data is received and counted indicating the amount of data used to encode); means for determining a predetermined amount of the encoded data to decode (refer for example to column 5, lines 38-46, which discusses that a number of bits allowed for the compression ratio is determined, this reference value corresponds to applicant's predetermined amount); and means for decoding only the predetermined amount of the encoded data so that decoded data is obtained with the same fidelity over each tile (refer for example to column 3, lines 54-64).

In regard to claim 31, Eschbach describes wherein the means for decoding comprises means for decoding the encoded data starting with highest importance level and continuing in succession to lower importance levels until a predetermined amount of the encoded data has been decoded (refer for example to column 2, line 55 through column 3, line 42 and column 7, lines 5-12, which discusses that the magnitudes of the entries reflect the relative importance of the frequency component in the image and the order of encoding takes this into account, this corresponds to applicant's decoding data

Art Unit: 2621

starting with highest importance level and continuing in succession to lower importance levels).

As to claim 32, Eschbach describes a computer software product including a medium readable by a processor, the medium having stored thereon a sequence of instructions which, when executed by the processor, causes the processor to (see figure 1 and refer for example to column 2, lines 9-23): receive an indication of the amount of data used to encode importance levels over n tiles in the encoded data (refer for example to column 5, lines 33-35, which discusses that an amount of bit data is received and counted indicating the amount of data used to encode); determine a predetermined amount of the encoded data to decode (refer for example to column 5, lines 38-46, which discusses that a number of bits allowed for the compression ratio is determined, this reference value corresponds to applicant's predetermined amount); and decode only the predetermined amount of the encoded data so that decoded data is obtained with the same fidelity over each tile (refer for example to column 3, lines 54-64).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamada et al. and Keith et al. both disclose systems similar to applicant's claimed invention.

Art Unit: 2621

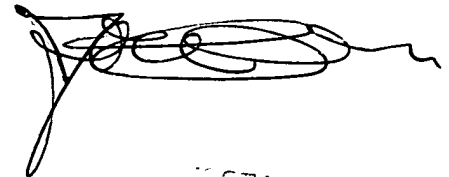
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose L. Couso whose telephone number is (703) 305-4774. The examiner can normally be reached on Monday through Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8576.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jlc
January 28, 2005



JOSE L. COUSO
PATENT EXAMINER